

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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In reply to:	:	Chapter 11
	:	Case No. 03-11915 (KJC)
TOUCH AMERICA HOLDINGS, INC., <u>et al.</u> ,	:	
	:	Jointly Administered
Debtors.	:	
-----X	:	
ENTECH LLC,	:	
	:	
Plaintiff,	:	Adversary No. 04-52935 (KJC)
	:	
-- vs. --	:	
	:	C.A. 04-1336-SLR
WESTMORELAND COAL COMPANY, a	:	
Delaware Corporation, and	:	
WESTMORELAND MINING LLC, a Delaware	:	
Limited Liability Company,	:	
	:	
Defendants.	:	
	:	
	:	
-----X	:	

STIPULATION AND [PROPOSED] ORDER

A. To date, the parties have exchanged documents and written discovery requests, have served subpoenas for documents and testimony on third parties, and have conferred in an attempt to identify deposition witnesses, coordinate depositions, and minimize the amount of time and travel likely to be required in connection with such discovery (including expected depositions in Montana, Colorado, New York, and the west coast);

B. As a result of these efforts the parties have concluded that extending current discovery deadlines by approximately thirty days would facilitate more efficient and less expensive discovery, without affecting either the current pretrial conference date or trial date set in this matter; and

C. Counsel for the parties have conferred and agreed, subject to the approval of the Court, to extend certain pretrial deadlines set forth in the Court's December 29, 2004 Order to facilitate the completion of fact discovery in this action;

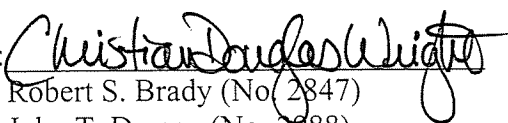
NOW, THEREFORE, the parties hereto stipulate and agree as follows:

1. All discovery, other than expert depositions, shall be completed by July 29, 2005.
2. Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof shall be served by August 29, 2005.
3. Rebuttal expert reports shall be served by September 30, 2005.
4. All Daubert motions shall be filed and served by October 24, 2005. Answering papers, if any, shall be shall be filed and served on November 7, 2005 and reply papers, if any, shall be shall be filed and served on November 14, 2005.

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SO ORDERED, this ____ day of June, 2005

Sue L. Robinson, Chief Judge